

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 20Cr274 (DLC)
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-v- :
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LUIS MEDINA, :
Defendant. :
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DENISE COTE, District Judge:

An initial conference was held today, June 22, 2020. The defendant is released on bail.

The Chief Judge of the Southern District of New York issued Standing Order 20-MC-176 of March 30, 2020, finding that felony guilty pleas cannot be conducted in person without seriously jeopardizing public health and safety due to the pandemic. It is uncertain when in-person proceedings may safely resume in the Southern District of New York. In the event it is not possible for an in-person plea proceeding to take place, the defendant may consent to be proceed via telephone conference so long as the Court finds that a further delay in the proceeding would result in serious harm to the interests of justice. See § 15002(b) (2) of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act.

Accordingly, it is hereby

ORDERED that a plea proceeding is scheduled for Thursday, **July 16, 2020** at **11:00 a.m.** The proceeding will occur in court if that is possible.

IT IS FURTHER ORDERED that by **July 10, 2020**, defense counsel shall advise the Court whether the defendant consents to proceed via telephone conference in the event an in-person proceeding cannot occur on July 16.

IT IS FURTHER ORDERED that by **July 10, 2020**, the parties will advise the Court of whether there are grounds to find that there would be serious harm to the interests of justice if the proceeding does not occur in July 2020.

IT IS FURTHER ORDERED that if an in-person proceeding cannot occur, the defendant consents to a telephone conference proceeding, and further delay would seriously harm the interests of justice, an Order will issue that provides the credentials necessary for accessing the telephone conference.

IT IS FURTHER ORDERED that should the defendant consent to proceed via a telephone conference proceeding, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the defendant. If the defendant is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form at least 24 hours prior to the proceeding. In the event the defendant consents,

but counsel is unable to obtain or affix the defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the defendant's signature to the form.

IT IS FURTHER ORDERED that if the defendant does not plead guilty, the trial date is scheduled for **October 5, 2020**.

IT IS FURTHER ORDERED that any defense motions shall be due **September 4, 2020**; the Government's opposition shall be due **September 11, 2020**.

IT IS FURTHER ORDERED that for the reasons stated on the record at today's conference, time is excluded in this action from today until October 5, 2020, pursuant to 18 U.S.C. § 3161(h) (7) (A) .

Dated: New York, New York
 June 22, 2020


DENISE COTE

United States District Judge

April 8, 2020 P.M.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT
AT CRIMINAL PROCEEDING**

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Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

Print Name

Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: